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My name is Patricia Lovera and I am the Deputy Director of the Energy and Environment Program at Public Citizen. Public Citizen is a national, non-profit consumer advocacy organization based in Washington, DC.

Consumers have a vital interest in how a national animal identification database is designed, because they deserve some assurance that USDA has the ability to determine how and where animals were exposed to disease, and if any other animals are also infected. USDA's ability to do this in a timely manner was shown to be lacking in 2003 and 2004 when the first and second cases of BSE were found in the U.S. A national animal identification system will also be useful in tasks other than disease investigations, such as providing the age of cattle at slaughter to make sure that age-dependent meat hygiene rules, such as SRM removal, are followed.

Therefore, Public Citizen supports the establishment of a mandatory animal identification system that is operated under government control.

Mandatory but Technology Neutral

The animal identification system should be mandatory to maximize the ability to trace back in the event of a disease outbreak. The system should be designed with the flexibility necessary to use information producers already keep, such as records for state and federal health programs and brand inspection. The system should not require producers to use a specific technology to participate.

Government Controlled Database

Only relevant state and federal government agencies should have the authority to manage the animal identification database. Establishing a private database creates the opportunity for a third party to profit from this enterprise, either through inappropriately using the data to manipulate prices, or through selling access to the data for uses other than tracing disease outbreaks. In addition to obvious questions of fairness to producers, consumers would not be well served by a private system that allows such tactics to further the consolidation of the livestock industry.

Additionally, the creation of an animal identification system should be driven by animal health management goals, not to provide a revenue source for private entities.

On a practical level, the USDA's Farm Service Agency has already created an infrastructure for gathering data about the nation's producers and is a familiar entity for producers and government officials. These are factors which could speed up the process of accessing the data in case of an outbreak.

One of the most cited reasons for pursuing a national animal identification system is to build consumer confidence, both at home and abroad. Yet most consumers are instinctively wary of industry attempts to self-regulate, especially when something as important as food safety is on the line. Too much of the information about BSE in the U.S. has come as the result of government oversight mechanisms such as the Government Accountability Office and the USDA's Office of Inspector General. To lose that oversight by establishing a privately-run database would be an enormous disservice to consumers and is unacceptable.

Freedom of Information Act

In the debate over animal identification, the Freedom of Information Act has frequently been presented as an evil to be avoided at all costs. Public Citizen has a long history of fighting for transparency in government records and citizen access to government information, and FOIA is a vital tool in that work. Therefore, we reject the assumption that FOIA is such a negative thing. But more relevant to this debate is the fact that in the event of an investigation or trace-back action, FOIA will eventually apply. Once the government has data – whether they recorded it themselves or requested it from a privately-run system – it will be subject to FOIA. So privatizing the database is not an effective shield from FOIA, as many privatization proponents have claimed.

Much of the argument about “privacy” has centered on promises about the benefits of exempting the animal identification system from FOIA. What has not been addressed are issues that go much deeper than FOIA: How would an industry-run database be held accountable for maintaining the computer security necessary to protect producer information? Who else is allowed to access a privately-run database besides state or federal government officials? Attacking FOIA seems to be a convenient way to ignore these questions, and an attempt to build support for a private system which cannot assure that it will protect producers' privacy any more than a government run system.

For all of these reasons, Public Citizen urges the USDA to reconsider the decision to proceed with a privately run animal identification database and establish a system that will remain in government control.

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